

**FINDINGS OF FACT FOR SHUMAKER MINOR SUBDIVISION LOCATED AT 545
VAUGHN SOUTH FRONTAGE ROAD, SITUATED AT THE INTERSECTION OF
SECTIONS 24, 25, 35, & 36, TOWNSHIP 21 NORTH, RANGE 02 EAST, P.M.M., CASCADE
COUNTY, MONTANA**

- I.** The application requesting preliminary plat approval for Shumaker Minor Subdivision was received on September 13, 2019 and was determined to contain all required components sufficient for adequate review on October 9, 2019 and scheduled for a public meeting for the Cascade County Planning Board on Tuesday October 29, 2019 pursuant to statutory requirements.

Doris Shumaker (land owner) and Kevin May, BSC&E (consultant) request preliminary plat approval for the Shumaker Minor Subdivision consisting of three lots. The three proposed light industrial lots will be 25.093 (Lot 1), 27.967 (Lot 2), and 51.335 (Lot 3) acres. The total acreage of the project site is 104.394 acres.

PRIMARY REVIEW CRITERIA

Effect on Agriculture

The proposed subdivision presently consists of one (1) parcel of land consisting of 104.394 acres. It is currently zoned Light Industrial (I-1) and is located along Vaughn South Frontage Road. The property to the west is zoned light industrial but used as residential. The parcels to the east are part of the Birky Tracts subdivision and used and zoned for light industrial and commercial use. There are two parcels across Vaughn South Frontage Road, one is undeveloped and the other is a home with horse corrals, zoned Commercial. The property is currently vacant rangeland and is not irrigated or used for farming activities, subdividing this property will not take land out of agricultural production.

According to the US Department of Agriculture Custom Soil Resource Report, approximately 30% of the soil is Ethridge-Kobar silty clay loams, considered farmland of statewide importance, and Kobar silty clay loam, considered prime farmland if irrigated. The remaining soils are not classified as prime farmland or farmland of statewide importance.

Effect on Local Services

The proposed subdivision receives law enforcement services from the Cascade County Sheriff's Department and fire protection from the Vaughn Fire Department.

The roadway to the south of the subdivision is Vaughn South Frontage Road, which is maintained by Montana Department of Transportation. Letters requesting comments were sent to the Montana Department of Transportation (MDT) and the Cascade County Road Division. No comments of concern have been received at the time of publishing this report and the applicant has provided documentation of correspondence with MDT regarding the approaches.

Effects on the Natural Environment

The applicant will obtain storm-water and sanitation approvals from the City County Health Department and/or the Department of Environmental Quality. There are no known archaeological or paleontological areas identified by the State Historic Preservation Office. The closest body of surface water is the Sun River, approximately a quarter of a mile away, and separated by roads and development. Adverse impacts to other water sources are not anticipated.

Effect on Wildlife and Wildlife Habitat

This subdivision is not expected to have an adverse impact to wildlife or wildlife habitat. A letter requesting comments has been submitted to the Department of Fish, Wildlife, and Parks. The property is bounded by other development and an Interstate highway and no critical habitat areas for wildlife have been identified.

The subdivision will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

This subdivision does not appear to be subject to potential natural hazards such as rockslides. Vehicular access to the subdivision will be granted by two separate approaches, one shared between lots 2 and 3.

II. REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATION

The subdivision meets requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

III. COMPLIANCE WITH THE CASCADE COUNTY GROWTH POLICY

The proposed subdivision is in general compliance with the Cascade County Growth Policy to preserve and enhance the rural, friendly, and independent lifestyle currently enjoyed by Cascade County's citizens, designing subdivisions so as to minimize the risk of fire, promoting adequate ingress and egress, adequate water supply systems, requiring local review of subdivisions to meet DEQ regulations, and by complying with weed management plans. The property is not located in a designated Prohibitive Development Area or Conditional Development Area; therefore those standards are not applicable to the proposed subdivision. The property is considered a Resource Protection Area based on the coverage of Prime Agricultural Soils. There are four non-regulatory requirements laid out in Section 8.6 of the Cascade County Growth Policy intended to address this. They are as follows:

- The applicant can realize a reasonable return on the fair market value of his land only by devoting the resource protection areas to uses that will significantly reduce their defined area function.
- The applicant has no other land reasonably suited for the subdivision.
- The subdivision has been designed to minimize the reduction of the Resource Protection Area's functions.
- The subdivision must not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or significantly reduce their functions.

These standards are not regulatory but should be considered when considering the subdivision as a whole.

SETBACK STANDARDS

The minimum standards must comply with the Cascade County Zoning Regulations.

SLOPE STANDARDS

Development on slopes exceeding twenty-five percent is prohibited except where a licensed engineer, with demonstrated experience in the field of slope stabilization certifies that the development will create no slope failure or erosion hazards.

OFF-STREET PARKING STANDARD

All parking in the proposed subdivision will be accommodated on the premises and entirely off street.

RESIDENTIAL DEVELOPMENT STANDARD

The minimum standards must comply with the Cascade County Zoning Regulations.

SOIL EROSION STANDARD

The proposed subdivision should not cause soil erosion or other adverse impacts of runoff on neighboring properties, road, or watercourses.

SOILS LIMITATIONS STANDARD

Soils that have moderate or severe limitations for the proposed subdivision will be identified and measures to mitigate such limitations will be implemented.

ROAD ACCEPTANCE AND MAINTENANCE POLICY

A waiver of the developer's right to protest an RSID is required by Cascade County to allow the county to impose an RSID on the individual lots of the subdivision for future deterioration and improvements to the roadway if it becomes necessary. A letter has been sent to the County Road Supervisor asking for comments on the proposed subdivision. Internal roads are not anticipated.

FIRE PROTECTION STANDARD

The proposed subdivision receives law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Vaughn Volunteer Fire Department.

SCHOOL SYSTEM'S CAPACITY STANDARD

Letters were sent to the Cascade County Superintendent of Schools as well as the Great Falls Superintendent of Schools asking for comments about the proposed subdivision. No comments have been received at the time of publishing this report.

IV. EASEMENT FOR UTILITIES

There are no proposed easements for utilities.

V. LEGAL AND PHYSICAL ACCESS

Access to the proposed subdivision will be via separate approaches from Vaughn South Frontage Road, and a shared Ingress/Egress access easement. Lot 1 will be accessed directly from the main road, and Lots 2 and 3 will share an approach.

VI. OPTIONS AND RECOMMENDATIONS

In making their recommendations and decisions, the Cascade County Planning Board and the Cascade County Commission shall consider the following:

- A. relevant evidence relating to the public health, safety, and welfare;
- B. the Cascade County Growth Policy; and
- C. the provisions outlined in the Cascade County Subdivision Regulations and the Montana Subdivision and Platting Act.

VII. DECISION ALTERNATIVES

- Approve the proposed subdivision.
- Approve the proposed subdivision with conditions.
- Table the proposed subdivision for further study.
- Deny the proposed subdivision.